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TRANSMITTAL FORM

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		Application Number	09/782,988
		Filing Date	February 13, 2001
		First Named Inventor	Hitoshi Sekine
		Group Art Unit	2162
		Examiner Name	Fred I. Ehichioya
Total Number of Pages in This Submission		Attorney Docket Number	49986-0505

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition To Convert To a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Supplemental Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Request for Reinstatement of Appeal <input type="checkbox"/> Return Postcard
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		Remarks Submitted herewith is a Request for Reinstatement of Appeal and Appellant's Supplemental Appeal Brief.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Hickman Palermo Truong & Becker LLP Edward A. Basker, Reg. No. 37,777
Signature	
Date	June 7, 2005

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OID 1995-22 DIV1



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Confirmation No. 1948

Hitoshi Sekine et al.

Group Art Unit No.: 2162

Serial No.: 09/782,988

Examiner: Fred I. Ehichioya

Filed: February 13, 2001

For: METHOD AND APPARATUS FOR STORING AND MANAGING DATA

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REQUEST FOR REINSTATEMENT OF APPEAL

Sir:

Reinstatement of the Appeal is hereby requested, based on the Notice of Appeal filed on October 5, 2004 and the Supplemental Appeal Brief submitted herewith.

Since prosecution was reopened prior to a decision on the merits by the Board of Patent Appeals and Interferences, it is further requested that the filing fees previously paid for the aforementioned Notice of Appeal and the original Appeal Brief be applied to this reinstatement of the Appeal (MPEP 1208.03).

Respectfully submitted,
HICKMAN PALERMO TRUONG & BECKER LLP

Edward A. Becker
Reg. No. 37,777

Date: June 7, 2005

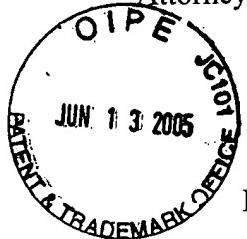
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Confirmation No. 1948

Hitoshi Sekine et al.

Group Art Unit No.: 2172

Serial No.: 09/782,988

Examiner: Fred I. Ehichioya

Filed: February 13, 2001

For: METHOD AND APPARATUS FOR STORING AND MANAGING DATA

Mail Stop Appeal Brief – Patents

Commissioner for Patents
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Alexandria, VA 22313-1450

SUPPLEMENTAL APPEAL BRIEF

Sir:

This Supplemental Appeal Brief is submitted in support of the Request for Reinstatement of Appeal filed herewith and fully addresses all of the issues raised in the Office Action mailed on March 11, 2005, after prosecution was re-opened.

I. REAL PARTY IN INTEREST

Ricoh Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1-4, 6-14, 16-24 and 26-31 are pending in this application, were finally rejected and are the subject of this appeal. Claims 5, 15 and 25 were canceled during prosecution. The claims are exactly the same as when the original Appeal Brief was filed in the USPTO on December 3, 2004.

IV. STATUS OF AMENDMENTS

No amendments were filed after the final Office Action or after the Office Action mailed on March 11, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application contains independent Claims 1, 12 and 22. These independent claims recite similar limitations, except in the context of an apparatus, a method and a computer-readable medium, respectively. Claims 1, 12 and 22 are directed generally to an approach for storing and managing digital data in a manner that allows digital data to be retrieved and used, while guaranteeing that the original copy of the data is not altered.

According to the approach recited in Claims 1, 12 and 22, digital data is received and automatically stored to a write-once-read-many (WORM) device. A search query is processed against the digital data stored on the WORM device. In response to processing the search query against the digital data stored on the WORM storage device, data is generated that identifies data stored on the WORM storage device that satisfies the search query (Specification at Page 3, lines 1-16; Page 5, lines 11-20; Page 6, lines 10-18; Page 8, line 13 through Page 10, line 3; Page 11, line 17 through Page 13, line 3 and FIGS. 2-4).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

In the Office Action mailed on March 11, 2005, (referred to hereinafter as the “Office Action”), the claims were rejected under new grounds. The new grounds of rejection essentially replace the *Moon et al.*, U.S. Patent 6,408,338 reference with an article “Integrated CD-ROM and WORM Optical Disk Systems on the Navy’s Paperless Ship,” by *Thomas J. Thiel* (hereinafter “*Thiel*”). Accordingly, after the Office Action, the grounds of rejection to be reviewed on appeal are as follows:

1. Claims 1-3, 8-13, 18-23 and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ramsay et al.*, U.S. Patent 5,502,576 (hereinafter “*Ramsay*”) in view of *Thiel*.
2. Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ramsay* in view of *Thiel* and further in view of *Kern*, U.S. Patent 6,202,124 (hereinafter “*Kern*”).

VII. ARGUMENTS

A. Introduction

It is well founded that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the references cited and relied upon must teach or suggest all the claim limitations. In addition, a sufficient factual basis to support the obviousness rejection must be proffered. *In re Freed*, 165 USPQ 570 (CCPA 1970); *In re Warner*, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 148 USPQ 721 (CCPA 1966).

With respect to the present application, it is respectfully submitted that *Ramsay* and *Thiel*, considered alone or in combination, do not teach or suggest all the limitations of Claims 1-3, 8-13, 18-23 and 28-31. It is further submitted that a sufficient factual basis has not been proffered during

the prosecution of the present application to support the rejection of Claims 1-3, 8-13, 18-23 and 28-31 under 35 U.S.C. § 103 as being unpatentable over *Ramsay* in view of *Thiel*.

It is also respectfully submitted that *Ramsay*, *Thiel* and *Kern*, considered alone or in combination, do not teach or suggest all the limitations of Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27. It is further submitted that a sufficient factual basis has not been proffered during the prosecution of the present application to support the rejection of Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 under 35 U.S.C. § 103 as being unpatentable over *Ramsay* in view of *Thiel* and further in view of *Kern*.

B. Claims 1-3, 8-13, 18-23 and 28-31 Are Patentable Over Ramsay In View of Thiel

It is respectfully submitted that Claims 1-3, 8-13, 18-23 and 28-31 are patentable over *Ramsay* and *Thiel* for at least the reasons provided hereinafter.

CLAIM 1

Claim 1 recites a data storage apparatus that requires:

“an interface configured to receive digital data; and
a data processor communicatively coupled to the interface and being configured to:
automatically receive digital data from the interface and cause the digital data
to be stored to a write-once-read-many (WORM) storage device,
process a search query against the digital data stored on the WORM storage
device, and
in response to processing the search query against the digital data stored on the
WORM storage device, generate data that identifies data stored on the
WORM storage device that satisfies the search query.”

It is respectfully submitted that *Ramsay* and *Thiel*, considered alone or in combination, do not teach or suggest a data storage apparatus that includes a data processor configured to “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query,” as recited in Claim 1. The Examiner has admitted that *Ramsay* does not teach or suggest this Claim 1 limitation, “[r]amsay does not explicitly teach process a search query against

the digital data stored on the WORM storage device, and in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query.” Office Action, Page 4, last paragraph. The Examiner has instead relied upon *Thiel* for this limitation and in particular, the text at Pages 18-19 describing WORM systems and at Page 21, paragraphs 4-6 describing the TOPS Functionality and Software. Office Action, Page 5, paragraphs 1 and 2.

Thiel describes using optical technologies to address office paper overload problems. In particular, *Thiel* describes the use of optical technologies to achieve a paperless environment and to improve the management of information in the U.S. Navy’s Paperless Ship Project (PSP) and the Federal Logistics (FEDLOG) initiative. *Thiel*, Abstract.

The particular portions of *Thiel* relied upon by the Examiner in support of the rejection, i.e., the text at Pages 18-19 describing WORM systems and at Page 21, paragraphs 4-6 describing the TOPS Functionality and Software, pertain generally to the structure and operation of WORM optical systems. For example, the text at Page 18, 6th paragraph of *Thiel* describes how WORM optical systems typically include software for indexing and retrieving data stored on optical disks. The text at Page 21, paragraphs 4-6 describes the forms fill-in functionality in the U.S. Navy’s Target of Opportunity System (TOPS). In TOPS, a large number of blank forms are stored as raster bit-mapped images on WORM disks. When a hard copy of a form is needed, software retrieves a blank form from the WORM optical disks. The blank form is populated with data from a database to create a completed form and the completed form is printed. For convenience, the text at Page 21, 7th paragraph is reproduced as follows:

Forms-fill-in functionality was also included in the TOPS system to obviate the need to carry a large supply of the blank forms that are required on a ship. More than 1,200 blank forms were stored as raster bit-mapped images on the WORM optical disks. These form images were displayed on the computer screen and customized forms-fill-in software was developed to enable an operator to complete the form electronically with the form’s data (its intelligence) captured and stored in a database. When a hard copy of a completed form is needed, the software obtains the blank form image from the WORM optical disk and couples it with the data from the database to print the completed form.

The Office Action did not identify particular features or functionality in the description of WORM systems or the TOPS that are considered to teach or suggest the Claim 1 limitation “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query.” It can only be presumed that a request for a stored form is considered to be “the search query” recited in Claim 1 and that a completed form, which includes the blank form and the data from the database, is considered “the data that satisfies the search query” recited in Claim 1.

Given these presumptions, it is respectfully submitted that the Claim 1 limitation “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query” is not taught or suggested by *Thiel*. To the extent that *Thiel* teaches or suggests processing a search query against digital data stored on a WORM device, it is in the context of requesting a form from TOPS. TOPS processes the request and provides a completed form. The completed form includes a blank form populated with data from the database. Claim 1, however, also recites “generate data that identifies data stored on the WORM storage device that satisfies the search query.” Assuming that a completed form is the “data stored on the WORM storage device that satisfies the search query,” *Thiel* would need to teach or suggest generating data that identifies the completed form in response to processing a request for a form. There is no teaching or suggestion in *Thiel* that when a request for a form is processed, that data is generated that identifies the completed form that satisfies the request. Rather, just the completed form is retrieved and printed. It is therefore respectfully submitted that the Claim 1 limitation “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query” is not taught or suggested by *Thiel*.

Given the Examiner’s admission that this limitation is not taught by *Ramsay* and the sole reliance on the *Thiel* reference for this limitation, it is respectfully submitted that Claim 1 includes

at least one limitation that is not in any way taught or suggested by *Ramsay* and *Thiel*, considered alone or in combination, and that Claim 1 is therefore patentable over *Ramsay* and *Thiel*.

CLAIMS 2-3 AND 8-11

Claims 2-3 and 8-11 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2-3 and 8-11 are patentable over *Ramsay* and *Thiel* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2-3 and 8-11 recite additional limitations that independently render them patentable over *Ramsay* and *Thiel*.

CLAIMS 12-13 AND 18-21

Claims 12-13 and 18-21 include limitations similar to Claims 1, 3, 4 and 6-11, except in the context of a method for storing data. It is therefore respectfully submitted that Claims 12-13 and 18-21 are patentable over *Ramsay* and *Thiel* for at least the reasons set forth herein with respect to Claims 1, 3, 4 and 6-11.

CLAIMS 22-23 AND 28-31

Claims 22-23 and 28-31 include limitations similar to Claims 1, 3, 4 and 6-11, except in the context of computer-readable media for storing data. It is therefore respectfully submitted that Claims 22-23 and 28-31 are patentable over *Ramsay* and *Thiel* for at least the reasons set forth herein with respect to Claims 1, 3, 4 and 6-11.

In view of the foregoing, it is respectfully submitted that Claims 1-3, 8-13, 18-23 and 28-31 are patentable over *Ramsay* and *Thiel*, considered alone or in combination, since each of these claims includes one or more limitations that are not in any way taught or suggested by *Ramsay* and *Thiel*.

C. Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 Are Patentable Over Ramsay In View of Thiel and Further in View of Kern

It is respectfully submitted that Claims 4, 6-7, 14, 16-17, 24, 26 and 27 are patentable over *Ramsay*, *Thiel* and *Kern* for at least the reason provided hereinafter.

CLAIMS 4, 6 AND 7

Claims 4, 6 and 7 all depend from Claim 1 and include all of the limitations of Claim 1. As set forth herein with respect to Claim 1, *Ramsay* and *Thiel* do not teach or suggest one or more limitations required by Claim 1. It is also respectfully submitted that these limitations are not taught or suggested by *Kern*. For example, it is respectfully submitted that *Kern* does not teach or suggest a data storage apparatus having a data processor configured to “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query,” as is required by Claims 4, 6 and 7.

Kern describes a data storage system with an outboard data manager that processes data transfer requests to reduce the computational burden on a host processor. When processed, the data transfer requests cause data to be copied from a source storage device to a target storage device. *Kern* does not in any way teach or suggest processing search queries against digital data stored on a WORM storage device. Furthermore, *Kern* does not in any way teach or suggest generating “data that identifies data stored on the WORM storage device that satisfies the search query,” as is required by Claims 4, 6 and 7. It is therefore respectfully submitted that the limitation of “in response to processing the search query against the digital data stored on the WORM storage device, generate data that identifies data stored on the WORM storage device that satisfies the search query” is not in any way taught or suggested by *Kern*. In view of the

foregoing, it is therefore respectfully submitted that Claims 4, 6 and 7 include one or more limitations that are not taught or suggested by *Ramsay*, *Thiel* and *Kern*, considered alone or in combination, and that Claims 4, 6 and 7 are therefore patentable over *Ramsay*, *Thiel* and *Kern*,

CLAIMS 14, 16 AND 17

Claims 14, 16 and 17 recite limitations similar to Claims 4, 6 and 7, except in the context of method claims. It is therefore respectfully submitted that Claims 14, 16 and 17 are patentable over *Ramsay*, *Thiel* and *Kern* for at least the reasons set forth herein with respect to Claims 4, 6 and 7.

CLAIMS 24, 26 AND 27

Claims 24, 26 and 27 recite limitations similar to Claims 4, 6 and 7, except in the context of method claims. It is therefore respectfully submitted that Claims 24, 26 and 27 are patentable over *Ramsay*, *Thiel* and *Kern* for at least the reasons set forth herein with respect to Claims 4, 6 and 7.

In view of the foregoing, it is respectfully submitted that Claims 4, 6-7, 14, 16-17, 24, 26 and 27 are patentable over *Ramsay*, *Thiel* and *Kern* since each of these claims includes one or more limitations that are not in any way taught or suggested by *Ramsay*, *Thiel* and *Kern*, considered alone or in combination.

VIII. CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, it is respectfully submitted that the rejection of Claims 1-3, 8-13, 18-23 and 28-31 under 35 U.S.C. § 103 being unpatentable over *Ramsay* in view of *Thiel* lacks the requisite factual and legal bases. Appellants therefore respectfully request that the Honorable Board reverse the rejection of Claims 1-3, 8-13, 18-23 and 28-31 under 35 U.S.C. § 103 over *Ramsay* in view of *Thiel*. It is further respectfully submitted that the rejection of Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 under 35 U.S.C. § 103(a) as being unpatentable over *Ramsay* in view of *Thiel* and further in view of *Kern*, lacks the requisite factual and legal bases. Appellants therefore respectfully request that the Honorable Board reverse the rejection of Claims 4, 6, 7, 14, 16, 17, 24, 26 and 27 under 35 U.S.C. § 103 over *Ramsay* in view of *Thiel* and further in view of *Kern*.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



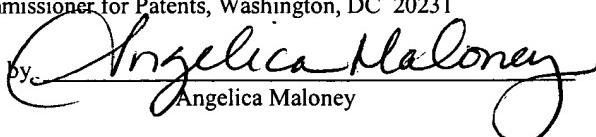
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CLAIMS APPENDIX

1. A data storage apparatus comprising:
an interface configured to receive digital data; and
a data processor communicatively coupled to the interface and being configured to
automatically receive digital data from the interface and cause the digital data to be
stored to a write-once-read-many (WORM) storage device,
process a search query against the digital data stored on the WORM storage
device, and
in response to processing the search query against the digital data stored on the
WORM storage device, generate data that identifies data stored on the
WORM storage device that satisfies the search query.
2. The apparatus as recited in Claim 1, further comprising a WORM storage device.
3. The apparatus as recited in Claim 1, wherein the data processor is further configured to
generate one or more indexes for data stored to the WORM storage device.
4. The apparatus as recited in Claim 1, wherein the data processor is further configured to
generate meta data that describes one or more attributes of the data stored to the WORM
storage device.
6. The apparatus as recited in Claim 1, wherein the data processor is further configured to
process the search query against one or more indexes generated by the data processor.
7. The apparatus as recited in Claim 1, wherein the data processor is further configured to
automatically process the search query according to a set of one or more time criteria.
8. The apparatus as recited in Claim 1, wherein the digital data includes facsimile data.

9. The apparatus as recited in Claim 1, wherein the digital data includes electronic document data.
10. The apparatus as recited in Claim 1, wherein the digital data includes printer data.
11. The apparatus as recited in Claim 1, wherein:
the data is stored on an WORM optical medium, and
the data processor is further configured to cause a label to be applied to the WORM optical medium, wherein the label specifies one or more attributes of the data.
12. A method for storing data comprising the computer-implemented steps of:
receiving digital data to be stored;
automatically causing the digital data to be stored to a write-once-read-many (WORM) storage device without human intervention;
receiving a search query;
processing the search query against the digital data stored on the WORM storage device;
and
generating data that identifies data stored on the WORM storage device that satisfies the search query.
13. The method as recited in Claim 12, further comprising generating one or more indexes for data stored to the WORM storage device.
14. The method as recited in Claim 12, further comprising generating meta data that describes one or more attributes of the data stored to the WORM storage device.
16. The method as recited in Claim 12, further comprising processing the search query against one or more indexes.
17. The method as recited in Claim 12, further comprising automatically processing the search query according to a set of one or more time criteria.

18. The method as recited in Claim 12, wherein the digital data includes facsimile data.
19. The method as recited in Claim 12, wherein the digital data includes electronic document data.
20. The method as recited in Claim 12, wherein the digital data includes printer data.
21. The method as recited in Claim 12, wherein:
the data is stored on an WORM optical medium, and
the method further comprises causing a label to be applied to the WORM optical medium, wherein the label specifies one or more attributes of the data.
22. A computer-readable medium carrying one or more sequences of one or more instructions for storing data, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps of:
receive digital data to be stored; and
automatically cause the digital data to be stored to a write-once-read-many (WORM) storage device without human intervention;
receive a search query;
process the search query against the digital data stored on the WORM storage device; and
generate data that identifies data stored on the WORM storage device that satisfies the search query.
23. The computer-readable medium as recited in Claim 22, further comprising one or more sequences of additional instructions which, when executed by the one or more processors, cause the one or more processors to generate one or more indexes for data stored to the WORM storage device.

24. The computer-readable medium as recited in Claim 22, further comprising one or more sequences of additional instructions which, when executed by the one or more processors, cause the one or more processors to generate meta data that describes one or more attributes of the data stored to the WORM storage device.
26. The computer-readable medium as recited in Claim 22, further comprising one or more sequences of additional instructions which, when executed by the one or more processors, cause the one or more processors to process the search query against one or more indexes.
27. The computer-readable medium as recited in Claim 22, further comprising one or more sequences of additional instructions which, when executed by the one or more processors, cause the one or more processors to automatically process the search query according to a set of one or more time criteria.
28. The computer-readable medium as recited in Claim 22, wherein the digital data includes facsimile data.
29. The computer-readable medium as recited in Claim 22, wherein the digital data includes electronic document data.
30. The computer-readable medium as recited in Claim 22, wherein the digital data includes printer data.
31. The computer-readable medium as recited in Claim 22, wherein:
the data is stored on an WORM optical medium, and
the further comprising one or more sequences of additional instructions which, when executed by the one or more processors, cause the one or more processors to cause a label to be applied to the WORM optical medium, wherein the label specifies one or more attributes of the data.